

## **REMARKS**

### **Amendments to the Claims**

Claims 34, 35, and 37 have been amended to change dependencies. Claims 1-3, 6-9, 11, 13-33 have been canceled. No new matter has been added as a result of these amendments. Applicants reserve the right to pursue the unclaimed subject matter in a continuing application.

### **Rejection of Claims 1-3, 6-9, 11, 13-34 and 39 under 35 U.S.C 112, first paragraph**

Claims 1-3, 6-9, 11, 13-34 and 39 are rejected under 35 U.S.C 112, first paragraph, as the Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Specifically the Examiner says that testing is provided for only a few of the claimed compounds, and that the Examples should be of sufficient scope to justify the scope of the claims.

Applicants respectfully disagree. However solely to further prosecution Applicants have canceled Claim 1-3, 6-9, 11, 13-33. The rejection to these claims is therefore moot.

Applicants are unsure why the Examiner has rejected Claim 39, under 35 U.S.C 112, first paragraph as this claims is directed to the specific species and not to a generic claim. Claim 34 has been amended to be dependent on Claim 39. Reconsideration and withdrawal of the rejection is respectfully requested.

### **Rejection of Claims 1-3, 6-9, 11, 13-34 and 39 under 35 U.S.C 112, second paragraph**

Claims 1-3, 6-9, 11, and 13-34 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically the Examiner points out that the claims show boxes showing deleted subject matter.

Claim 1-3, 6-9, 11, 13-33 have been canceled. The rejection to these claims is therefore moot.

Applicants have amended Claim 34 to no longer show the deleted subject matter. Withdrawal of the rejection is respectfully requested.

### **Rejection of Claims 1-3, 6-9, 11, 13-34 and 39 under nonstatutory obviousness-type double patenting in view of US 6,608,067**

Claims 1-3, 6-9, 11, 13-34 and 39 are rejected under nonstatutory obviousness-type double patenting in view of US 6,608,067 as the Examiner contends that although the conflicting claims are not identical, they are not patentably distinct from each other.

Applicants will respond to this rejection upon indication of allowable subject matter.

## **CONCLUSION**

Applicants respectfully request that the Examiner enter the above amendments, consider the foregoing remarks, and allow the pending claims to issue. If the Examiner believes that a telephone conference would expedite prosecution, he is invited to call the applicants' undersigned agent at any time.

Respectfully submitted,

/Susan C. Kelly/  
Susan C. Kelly  
Registration No. 58,046  
Agent for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, MA 02139-4242  
Tel.: (617) 444-7374  
Fax.: (617) 444-6483